



NEWS

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SUMMARY OF CASES ACCEPTED DURING WEEK OF NOVEMBER 20, 2000

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#00-149 Greenfield v. Fritz Companies, Inc., S091297. (A086982; 82 Cal.App.4th 741.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case concerns whether a cause of action for common law fraud and misrepresentation by a shareholder against a corporation may be premised on allegations that the alleged misrepresentations caused the shareholder not to sell the stock.

#00-159 San Remo Hotel v. City and County of San Francisco, S091757. (A083530; 83 Cal.App.4th 239.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment in a civil action. This case concerns 1) whether a city's exaction of an in lieu fee to permit the conversion of residential hotel rooms to tourist hotel rooms is subject to heightened scrutiny review under Nollan v. California Coastal Comm'n (1987) 483 U.S. 825, Dolan v. City of Tigard (1994) 512 U.S. 374, and Ehrlich v. City of Culver City (1996) 12 Cal.4th 854, and 2) whether the hotel's rental of rooms to tourists qualifies as a prior legal nonconforming use under the terms of the city ordinance.

#00-160 Winter v. DC Comics, S091998. (B121021.) Unpublished opinion.

(over)

Petition for review after the Court of Appeal affirmed a summary judgment in a civil action. The court ordered briefing deferred pending decision in Comedy III Productions, Inc. v. Gary Saderup, Inc., S076061 (#99-41) which concerns whether the imposition of liability for unauthorized use of the likeness of a deceased person applies only to the use of such likeness in advertising and whether the use of drawings of the Three Stooges on tee shirts and posters was properly found to lack expressive value and not to be constitutionally protected.

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